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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
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SANDRA D. KENNEDY
BOB STUMP

2009 APR -8 A 10:17 Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

APR - 8 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO CONSTRUCT A GRADE
SEPARATED CROSSING OF THE UNION
PACIFIC RAILROAD TRACKS AT THE TWIN
PEAKS ROAD INTERCHANGE OF INTERSTATE
10 AT AAR/DOT NO. 924-115-X AND TO
REMOVE THE EXISTING AT-GRADE
CROSSING AT CAMINO DE MANANA ROAD
AT AAR/DO NO. 741-097-U IN THE TOWN OF
MARANA, PIMA COUNTY, ARIZONA.

DOCKET NO. RR-03639A-09-0136

PROCEDURAL ORDER

BY THE COMMISSION:

On March 19, 2009, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application on behalf of the Union Pacific Railroad ("Railroad") for approval to construct a grade separated crossing at the Twin Peaks Interchange of Interstate 10 ("I-10") at AAR/DOT No. 924-115-X and for the removal of the existing at-grade crossing at Camino De Manana Road at AAR/DOT No. 741-097-U in Marana, Pima County, Arizona.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation shall be considered an application for the Railroad to install a grade separated crossing and to remove an existing at-grade crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **June 25, 2009, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West

1 Washington Street, Room 100, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
3 Order, the **ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE**
4 **RAILROAD, THE TOWN OF MARANA, PIMA COUNTY AND ANY OTHER**
5 **MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy
6 of the application and this Procedural Order by certified mail.

7 IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall
8 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
9 them with Docket Control on or before 4:00 p.m. on **May 29, 2009**.

10 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
11 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **June 12,**
12 **2009**.

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that all motions to intervene must be filed on or before **May 29, 2009**.

15 IT IS FURTHER ORDERED that **the Arizona Department of Transportation** shall provide
16 **public notice** of the hearing in this matter, in the following form and style:

17
18 **IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF**
19 **TRANSPORTATION TO CONSTRUCT A GRADE SEPARATED CROSSING OF THE**
20 **UNION PACIFIC RAILROAD TRACKS AT THE TWIN PEAKS ROAD INTERCHANGE**
OF INTERSTATE 10 AT AAR/DOT NO. 924-115-X AND TO REMOVE THE EXISTING
AT-GRADE CROSSING AT CAMINO DE MANANA ROAD AT AAR/DO NO. 741-097-U IN
21 **THE TOWN OF MARANA, PIMA COUNTY, ARIZONA.**
(DOCKET NO. 03639A-09-0136)

22 On March 19, 2009, the Arizona Department of Transportation ("ADOT") filed
23 with the Arizona Corporation Commission ("Commission") an application on behalf
24 of the Union Pacific Railroad ("Railroad") for approval to construct a grade
25 separated crossing at the Twin Peaks Road Interchange of Interstate 10 at AAR/DOT
No. 924-115-X and for the removal of the existing at-grade crossing at Camino De
Manana at AAR/DOT No. 741-097-U in the Town of Marana, Pima County,
Arizona.

26 The application is available for inspection during regular business hours at the
27 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
28 Arizona, and on the internet via the Commission website (www.azcc.gov) using the
e-docket function.

1 The Commission will hold a hearing on this matter commencing on **June 25, 2009,**
2 **at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street, Phoenix,
3 Arizona. Public comments will be taken on the first day of the hearing.

4 The law provides for an open public hearing at which, under appropriate
5 circumstances, interested parties may intervene. Intervention shall be permitted to
6 any person entitled by law to intervene and having a direct and substantial interest in
7 the matter. Persons desiring to intervene must file a written motion to intervene with
8 the Commission, which motion should be sent to Applicant or its counsel and to all
9 parties of record, and which, at the minimum, shall contain the following:

- 10 1. The name, address, and telephone number of the proposed intervener and of
11 any party upon whom service of documents is to be made if different than the
12 intervener.
- 13 2. A short statement of the proposed intervener's interest in the proceeding (e.g.,
14 a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 15 3. A statement certifying that a copy of the motion to intervene has been mailed
16 to the Applicant or its counsel and to all parties of record in the case.

17 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
18 that all motions to intervene must be filed on or before May 29, 2009. The granting
19 of intervention, among other things, entitles a party to present sworn evidence at
20 hearing and to cross-examine other witnesses. However, failure to intervene will not
21 preclude any customer from appearing at the hearing and making a statement on
22 such customer's own behalf.

23 If you have any questions about this application, you may contact the applicant at
24 **[insert telephone number]**. If you wish to file written comments on the application
25 or want further information on intervention, you may write the Consumer Services
26 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
27 85007, or call 602-542-4251 or 1-800-222-7000 or appear at the hearing and make
28 comment.

The Commission does not discriminate on the basis of disability in admission to its
public meetings. Persons with a disability may request a reasonable accommodation
such as a sign language interpreter, as well as request this document in an alternative
format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number
(602) 42-3931, E-mail sberlyn@azcc.gov. Requests should be made as early as
possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the **Arizona Department of Transportation** shall cause
the above notice to be published at least once in a newspaper of general circulation in the city/county
where the crossing is located, with **publication to be completed no later than May 8, 2009.**

IT IS FURTHER ORDERED that notice shall be deemed complete upon the
mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive
the notice.

IT IS FURTHER ORDERED that the **ARIZONA DEPARTMENT OF**

1 **TRANSPORTATION SHALL FILE CERTIFICATION OF NOTICE WITH THE**
2 **COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the
3 mailing/publication of notice ordered herein has been completed.

4 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
5 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
6 ruling at hearing.

7 DATED this 8TH day of April, 2009.

8
9
10 
11 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 8TH day of April, 2009 to:

14 Aziz Aman, Manager of Special Projects
15 UNION PACIFIC RAILROAD COMPANY
2073 East Jade Drive
Chandler, AZ 85286-4898

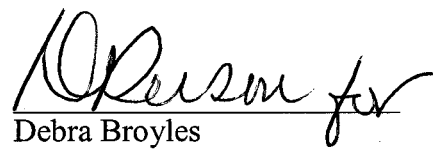
Janice Alward, Chief Counsel Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

16 Robert Travis
17 State Railroad Liaison
ARIZONA DEPT OF TRANSPORTATION
18 205 S. 17th Ave., Room 357, MD 618E
Phoenix, AZ 85007

Brian Lehman, Chief
Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

19 Keith Braun
20 TOWN OF MARANA
11555 W. Civic Center Dr., Bldg, A3
21 Marana, AZ 85653-7006

ARIZONA REPORTING SERVICE, INC.
2200 North Central Street, Suite 502
Phoenix, Arizona 85004-1481

22
23 By: 
24 Debra Broyles
25 Secretary to Marc Stern
26
27
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